

STATE BOARD MEETING DATE September 24, 2007

SUBJECT: Consideration of Review Case No. C-2004-119R, Albert Ng

SUBMITTED BY: Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education

MANAGEMENT TEAM REVIEW: September 6, 2007

BACKGROUND INFORMATION:

Albert Ng applied for a Substitute and JROTC certificate on August 3, 2006. On his application for certification, he answered “no” to the question “Have you ever been arrested for any offense for which you were fingerprinted?” On a previous application for certification, which he ultimately withdrew, Mr. Ng also answered “no” to the same question. Prior to the withdrawal of his first application in October 2004, Mr. Ng confirmed that in 1987, he had been arrested and charged with multiple counts of perjury. He was eventually convicted of two misdemeanor counts of false swearing. He was sentenced to two years of probation and ordered to complete 100 hours of community service work.

On February 14, 2007, the Professional Practices Advisory Committee (“the PPAC”) conducted a review of Mr. Ng’s application. In his statement, Mr. Ng said he lied to the grand jury out of a fear of retaliation against him and his family. The underlying case involved the prosecution of an individual involved in the trafficking of narcotics. Mr. Ng said he had heard that the alleged trafficker had caused injury to someone for some indiscretion. Mr. Ng’s probation officer stated that “...given the notoriety surrounding the (case), it is understandable why the defendant would lie to protect himself.”

Of particular concern to the PPAC is that in the current application for certification, Mr. Ng answered untruthfully the question regarding having had a prior arrest, after having been previously made aware of the untruthful answer in the earlier application. In response to a query regarding this, Mr. Ng answered that he “...must have made a mistake.” He continued that he “...would reverse that.”

The PPAC found that Mr. Ng engaged in unprofessional conduct that makes him unfit to teach and would have an adverse effect on the teaching profession. The PPAC unanimously recommended, by a 4 to 0 vote, that the Board deny Mr. Ng’s application for Substitute and JROTC certification, based on the following:

Aggravating factor:

- Misrepresenting an answer on the second (current) application, having withdrawn the original application after having been made aware of the untruthful answer on the first application

Mitigating factors:

- Length of time since the conviction with no other criminal history
- Letters of recommendation
- Circumstances under which the false statements were made to the grand jury – fear of retaliation

At its March 26, 2007, meeting, the State Board denied Mr. Ng’s application for certification. He timely requested a rehearing before the PPAC.

The rehearing was held on August 14, 2007.

At the rehearing, the PPAC reiterated its earlier findings that Mr. Ng acted unprofessionally when, on his current application, he untruthfully answered the question as to whether he had ever been arrested for an offense for which he was fingerprinted, after having been made aware of the same untruthful answer on a previous application. The PPAC also concluded that Mr. Ng's false statements to the grand jury and his misrepresentations regarding his convictions make him unfit to teach and would have an adverse effect on and within the school community.

The PPAC voted unanimously, 4 to 0, to recommend that the State Board deny Mr. Ng's application for certification.

BOARD ACTION REQUESTED: [☐] INFORMATION [X] ACTION/DESCRIBED BELOW:

That the Board accept the findings of fact, conclusions of law and recommendation of the PPAC and **deny** Mr. Ng's application for Substitute and JROTC certification.

ATTACHMENTS: YES [X] NO [☐]